

# SUNSHINE CANYON LANDFILL

November 2, 2015

Ms. Margaret Clark  
Vice Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force

**Subject: Task Force Letter Dated 10-15-15 Regarding Revised Finding of Conformance**

Dear Ms. Clark,

We are in receipt of your letter of October 15, 2015, regarding your claim that the Sunshine Canyon Landfill needs a new Finding of Conformance (“FOC”) from the County Integrated Waste Management Task Force (“Task Force”) in order to implement the ADC Pilot Program that has been approved by the Sunshine Canyon Landfill Local Enforcement Agency (“SCL-LEA”), the South Coast Air Quality Management District (“SCAQMD”) and the City/County Joint Technical Advisory Committee (“TAC”).

For the reasons set forth in this letter, we respectfully reject the Task Force’s contention that Sunshine Canyon needs a FOC for this pilot program.

First, your letter acknowledges that your FOC requirement is not supported by any provisions in the Public Resources Code or CIWMB Resolution 2000-330. So there is no basis under State law for this requirement.

Second, there is nothing in our City “Q” Conditions that requires a new FOC for this pilot program that we expect will be fully implemented on the City side of the landfill. As you know, City officials support the ADC pilot program, including the City’s authorized representative on the TAC. At the City Planning Commission’s Phase III permit review last week, the Planning Commission expressed its strong interest that the ADC pilot program be implemented forthwith.

The Planning MOU signed by the City and County also makes clear that both the City and County have jurisdiction to enforce their respective land use permits on their respective sides of the City/County boundary, which runs through the site. (See Planning MOU, sections 2.1 and 2.8) Because the ADC pilot program should take place entirely on the City side of the landfill, the County does not have jurisdiction to prohibit the ADC pilot from moving forward on the City side of the landfill. Moreover, the Planning MOU recognizes that any issues affecting joint operation of the landfill shall be decided by the City/County Technical Advisory Committee (Planning MOU, Section 1(a)), which has already approved the ADC Pilot Program.

Third, the Countywide Solid Waste Management Siting Element is a plan—it is not a law, regulation or ordinance. Moreover, the Siting Element does not require a FOC except where there is a “significant change” as defined in the Siting Element. The Siting Element states that an FOC is required only for “significant changes” in operations, which are defined in that section 10.4 as: “ a) any change in the solid waste disposal facility's land use permit/conditional use permit, and/or Waste Discharge Requirements Permit that requires compliance with the requirements of the California Environmental Quality Act, as amended; b) any revision in the facility's Solid

*Waste Facility Permit; or c) any increase in daily permitted capacity as defined in Chapter 3 of the Countywide Siting Element.*” None of these conditions have occurred. But even if they had, the Siting Element is not an independent law or regulation, but simply a planning document and is not independently enforceable.

Fourth, your argument that the FOC itself, which was issued at the time the joint City/County landfill operations were initiated at Sunshine Canyon, requires that Sunshine Canyon obtain a new FOC is flawed for two reasons: (a) the FOC simply does not say this; and (b) even if it did, the Task Force cannot grant itself legal jurisdiction that is not vested in it by a law, regulation or ordinance—none of which, as explained above, is the case.

Your letter refers to FOC conditions 2 and 16 as requiring a new FOC for the ADC pilot program. However, FOC Conditions 2 and 16 are not applicable to this situation. Condition 2 says that the FOC is limited to the joint City /County landfill project as approved by the City and County. It says nothing about ADC pilot programs. Condition 16 requires that prior to operation of the joint City/County landfill, the owner/operator must comply with applicable permits and approvals and mitigation measures, as specified in the siting criteria. Neither condition says anything about having to obtain a future FOC, nor that Sunshine Canyon must obtain an FOC to use alternative daily cover (“ADC”). Both of these FOC conditions address requirements that must be met before operation of the joint City/County landfill can commence—and these requirements were satisfied long ago.

Furthermore, your claim that the existing FOC Condition 33 limits the use of landfill cover materials to dirt only is a misreading of that condition. The condition merely states that if an odor problem should develop, “appropriate control measures” shall be implemented. The condition says these control measures may include additional dirt daily cover material, but other alternative measures may be adopted. There is nothing in condition 33 that states Sunshine Canyon cannot use ADC. And this is particularly true where the unanimous opinion of qualified landfill experts and professionals is that daily cover soil is not an “appropriate measure” to deal with odor issues at the landfill, and its use is actually exacerbating the issue. Counsel for the City and the SCL LEA have independently reviewed FOC Condition 33 and have drawn the same conclusion.

For all of these reasons, we respectfully disagree with your contention that the Task Force must issue a FOC for the ADC pilot program to proceed. We therefore have honored the unanimous request and approvals of the SCL-LEA, the City and the TAC to push forward with implementation of the ADC pilot program.

Sincerely,



Rob Sherman  
General Manager  
Sunshine Canyon Landfill

cc: Mr. David Thompson, Mr. Gerry Villalobos: SCL-LEA  
Mr. Mohsen Nazemi: South Coast Air Quality Management District

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Los Angeles County Solid Waste Management Committee/  
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Ms. Lisa Webber: SCL TAC & Department of City Planning  
Mr. Jon Sanabria: SCL TAC & Department of Regional Planning  
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